

Senate Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

CHAPTER 167

# **SENATE BILL 1386**

AN ACT

AMENDING SECTION 39-121.01, ARIZONA REVISED STATUTES; AMENDING TITLE 39, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 39-127; RELATING TO PUBLIC RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 39-121.01, Arizona Revised Statutes, is amended to  
3 read:

4 39-121.01. Definitions; maintenance of records; copies,  
5 printouts or photographs of public records;  
6 examination by mail; index

7 A. In this article, unless the context otherwise requires:

8 1. "Officer" means any person elected or appointed to hold any  
9 elective or appointive office of any public body and any chief administrative  
10 officer, head, director, superintendent or chairman of any public body.

11 2. "Public body" means the state, any county, city, town, school  
12 district, political subdivision or tax-supported district in the state, any  
13 branch, department, board, bureau, commission, council or committee of the  
14 foregoing, and any public organization or agency, supported in whole or in  
15 part by monies from the state or any political subdivision of the state, or  
16 expending monies provided by the state or any political subdivision of the  
17 state.

18 B. All officers and public bodies shall maintain all records,  
19 including records as defined in section 41-1350, reasonably necessary or  
20 appropriate to maintain an accurate knowledge of their official activities  
21 and of any of their activities which are supported by monies from the state  
22 or any political subdivision of the state.

23 C. Each public body shall be responsible for the preservation,  
24 maintenance and care of that body's public records, and each officer shall be  
25 responsible for the preservation, maintenance and care of that officer's  
26 public records. It shall be the duty of each such body to carefully secure,  
27 protect and preserve public records from deterioration, mutilation, loss or  
28 destruction, unless disposed of pursuant to sections 41-1347 and 41-1351.

29 D. Subject to section 39-121.03:

30 1. Any person may request to examine or be furnished copies, printouts  
31 or photographs of any public record during regular office hours or may  
32 request that the custodian mail a copy of any public record not otherwise  
33 available on the public body's web site to the requesting person. The  
34 custodian may require any person requesting that the custodian mail a copy of  
35 any public record to pay in advance for any copying and postage charges. The  
36 custodian of such records shall promptly furnish such copies, printouts or  
37 photographs and may charge a fee if the facilities are available, except that  
38 public records for purposes listed in section 39-122 OR 39-127 shall be  
39 furnished without charge.

40 2. If requested, the custodian of the records of an agency shall also  
41 furnish an index of records or categories of records that have been withheld  
42 and the reasons the records or categories of records have been withheld from  
43 the requesting person. The custodian shall not include in the index  
44 information that is expressly made privileged or confidential in statute or a  
45 court order. This paragraph shall not be construed by an administrative

1 tribunal or a court of competent jurisdiction to prevent or require an order  
2 compelling a public body other than an agency to furnish an index. For the  
3 purposes of this paragraph, "agency" has the same meaning prescribed in  
4 section 41-1001, but does not include the department of public safety, the  
5 department of transportation motor vehicle division, the department of  
6 juvenile corrections and the STATE department of corrections.

7 3. If the custodian of a public record does not have facilities for  
8 making copies, printouts or photographs of a public record which a person has  
9 a right to inspect, such person shall be granted access to the public record  
10 for the purpose of making copies, printouts or photographs. The copies,  
11 printouts or photographs shall be made while the public record is in the  
12 possession, custody and control of the custodian of the public record and  
13 shall be subject to the supervision of such custodian.

14 E. Access to a public record is deemed denied if a custodian fails to  
15 promptly respond to a request for production of a public record or fails to  
16 provide to the requesting person an index of any record or categories of  
17 records that are withheld from production pursuant to subsection D, paragraph  
18 2 of this section.

19 Sec. 2. Title 39, chapter 1, article 2, Arizona Revised Statutes, is  
20 amended by adding section 39-127, to read:

21 39-127. Free copies of police reports for crime victims;  
22 definitions

23 A. A VICTIM OF A CRIMINAL OFFENSE THAT IS A PART I CRIME UNDER THE  
24 STATEWIDE UNIFORM CRIME REPORTING PROGRAM OR AN IMMEDIATE FAMILY MEMBER OF  
25 THE VICTIM IF THE VICTIM IS KILLED OR INCAPACITATED HAS THE RIGHT TO RECEIVE  
26 ONE COPY OF THE POLICE REPORT FROM THE INVESTIGATING LAW ENFORCEMENT AGENCY  
27 AT NO CHARGE.

28 B. FOR THE PURPOSES OF THIS SECTION, "CRIMINAL OFFENSE", "IMMEDIATE  
29 FAMILY" AND "VICTIM" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 13-4401.

**APPROVED BY THE GOVERNOR APRIL 17, 2006.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2006.**